



**JOINT MEETING OF THE
NYE COUNTY BOARD OF COMMISSIONERS
NYE COUNTY BOARD OF HIGHWAY COMMISSIONERS
NYE COUNTY LICENSING AND LIQUOR BOARD
NYE COUNTY BOARD OF HEALTH**

**AS THE GOVERNING BODY OF THE UNINCORPORATED TOWN OF PAHRUMP
AS THE GOVERNING BODY OF UNINCORPORATED TOWNS OF BEATTY GABBS MANHATTAN
AND AS THE BOARD OF TRUSTEES FOR THE PAHRUMP POOL DISTRICT**

2100 E. Walt Williams Drive, Pahrump, NV 89048

June 27, 2023

10:00 a.m.

Subject to technical difficulties, people may participate by calling 1-888-585-9008 and entering conference room number 255-432-824. Technical difficulties may occur before or during the meeting preventing your ability to call in.

The Chair of the Board of County Commissioners will open public comment periods by announcement. Commenters must press *9 on their telephone keypads to notify Administration they wish to speak.

The meeting is also viewable at www.nyecountynv.gov. There is a 30 to 40 second delay between the in-person meeting and the meeting video.

NOTE: All items are approximate except for bid openings, public hearings, and any other items agendaized at a specific time. Items on the agenda without a time designation may be taken out of order. The Board may combine two or more agenda items for consideration. The Board may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. Items on the agenda without a time designation may not necessarily be considered in the order in which they appear on the agenda. **NOTICE: It is anticipated that the items of business before the Board of Commissioners on June 27, 2023 will be fully completed on that date. However, should item(s) not be completed, it is possible item(s) could be carried over and be heard before the Board of Commissioners beginning at 8:30 a.m. on the next day.**

Public Comment during the Commission Meeting on June 27, 2023 will be for all matters off the agenda and be limited to up to three minutes per person. Additionally, public comment of up to three minutes per person may be heard during individual action items. The Commission reserves the right to reduce the time allowed for public comment. The Commission may prohibit comment if the content of the comments is a topic that is not relevant to, or within the authority of, the Commission, or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering with the rights of other speakers. Persons are invited to submit comments in writing on the agenda items and/or attend and make comment on that item at the Commission meeting. **Decorum** during the meeting must be upheld pursuant to the BOCC Rules of Procedure sections 7.5.3 and 7.5.4 whereby no person in the audience shall engage in disorderly conduct such as hand clapping, stamping of feet, whistling, using profane language, yelling, and similar demonstrations, which conduct disturbs the peace and good order of the meeting. Any person who becomes disruptive or interferes with the orderly business of the Board may be removed from the Board Chambers or other meeting room for the remainder of the meeting.

Pursuant to NRS 241.020, the Agenda for the Commission Meeting has been posted at the following locations. Tonopah Convention Center, 301 Brougher Avenue, Tonopah, NV; U.S. Post Office, 201 Erie Main St., Tonopah, NV; Commissioners' Meeting Room, 101 Radar Road, Tonopah, NV; District Court, 101 Radar Road, Tonopah, NV; Commissioners' Chambers, 2100 E. Walt Williams Drive, Pahrump, NV

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [How to File a Program Discrimination Complaint](#) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

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Additional Posting Locations: Amargosa Valley Community Center, 821 E. Amargosa Farm Rd., Amargosa Valley, NV; Beatty Community Center, 100 South A Ave., Beatty, NV; Gabbs Town Hall, 503 Brucite St., Gabbs, NV; Round Mountain Community Center, 650 Civic Dr., Round Mountain, NV

Support documentation for the items on the agenda, provided to the Nye County Board of Commissioners is available to members of the public at the County Manager's Office (101 Radar Road, Tonopah, Nevada & 2100 E. Walt Williams Drive, Pahrump, Nevada) and on the County's website, or by calling Administration at (775) 482-8192

WEBSITE: www.nyecountynv.gov

Special Note: Any member of the public who is disabled and requires accommodation or assistance at this meeting is requested to notify the Nye County Manager's Office in writing or call 775-482-8192 prior to the meeting.

- 1. Pledge of Allegiance**
- 2. GENERAL PUBLIC COMMENT (up to three-minute time limit per person.) Action will not be taken on the matters considered during this period until specifically included on an agenda as an action item (FIRST).**
- 3. Commissioners'/Manager's Comments (This item limited to announcements or topic/issues proposed for future workshops/agendas)**
- 4. Approval of the Agenda for June 27, 2023 (Non-action item)**
- 5. For Possible Action – Emergency Items**

SITTING AS THE BOARD OF COUNTY COMMISSIONERS

TIMED ITEMS

- 6. 10:00 a.m. – [For Possible Action](#) – Discussion and deliberation regarding the monthly statement of county treasurer pursuant to NRS 354.280 including receipts, balances in funds, money on deposit, outstanding checks, and cash on hand.**
- 7. 10:00 a.m. – [Presentation](#) by Nancy Guin with Tails of Nye County regarding program status, outcome results, a budget status report, and future goals pursuant to the Nye County ARPA Recovery Plan and Policy: Public Health Assistance- Mental Health Grant. (10-minute time limit)**
- 8. 10:00 a.m. – [For Possible Action](#) – Public Hearing, discussion and deliberation to adopt, amend and adopt, or reject Nye County Bill No. 2023-04: A Bill proposing to amend Nye County Code Title 17, titled Comprehensive Land Use Planning and Zoning, Chapter 17.04, titled Pahrump Regional Planning District, Article III, titled Zoning Districts; Establishment and General Provisions, Section 17.04.430, titled LI - Light Industrial, removing renewable energy generating facility as a permissive use; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto.**
- 9. 10:00 a.m. – [For Possible Action](#) – Public Hearing, discussion and deliberation to adopt, amend and adopt, or reject Nye County Bill No. 2023-05: A Bill proposing to amend Nye County Code Title 5, titled Business Licenses and Regulations, Chapter 5.32 titled “Cannabis Establishments,” by amending Section 5.32.005 Definitions to include Affiliated Businesses and by amending Section 5.32.050 titled “Medical Cannabis Establishment License Fees,” Section 5.32.055 titled “Adult-use Cannabis Establishment License Fees,” and Section 5.32.057 titled “Cannabis Consumption Lounge Establishment License Fees,” by adding the language pertaining to sales and transfers between affiliated and unaffiliated cannabis businesses; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto.**

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- 10. **10:00 a.m.** – [For Possible Action](#) – Public Hearing, discussion and deliberation to adopt, amend and adopt, or reject Nye County Bill No. 2023-06: A Bill proposing to amend Nye County Code Title 17, titled Comprehensive Land Use Planning and Zoning, Chapter 17.06 titled “Cannabis Establishments; Zoning Requirements,” by adding definitions for “Town” and “Town Board” and amending Section 17.06.040 titled Requirement to Obtain a Special Use Permit, to include a requirement to obtain a written letter in support of, or in opposition to, a proposed cannabis establishment by the elected or advisory Town Board prior to submittal of a Special Use Permit application; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto.
- 11. **10:00 a.m.** – [For Possible Action](#) – Public Hearing, discussion and deliberation to adopt, amend and adopt, or reject Nye County Bill No. 2023-07: A Bill proposing to amend Nye County Code Title 17, titled Comprehensive Land Use Planning and Zoning, Chapter 17.04, titled Pahrump Regional Planning District, Section 17.04.260, titled MF Multifamily Residential, allowing for the provision of single-family detached residences in the MF zone; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto.

SITTING AS THE GOVERNING BODY OF UNINCORPORATED TOWN OF PAHRUMP

- 12. [For Possible Action](#) – Discussion and deliberation to adopt, amend and adopt, or reject Town of Pahrump Resolution No. 2023-03: A Resolution to Augment and Amend the 2022-2023 Budget of the Town of Pahrump, State of Nevada.

Fund 25251 Fire Impact Fee Fund in the amount of \$66,623.00.
- 13. [For Possible Action](#) – Discussion and deliberation to adopt, amend and adopt, or reject budget transfer of appropriations between Community Support and Operating Transfers within Town of Pahrump General Fund 25101.
- 14. [For Possible Action](#) – Discussion and deliberation to adopt, amend and adopt, or reject the Fiscal Year 2024 Public Safety Sales and Use Tax (PSST) plan for Pahrump Valley Fire Rescue.
- 15. [For Possible Action](#) – Discussion and deliberation to: 1) Appoint one member to the Pahrump Off Highway Vehicle Park Advisory Committee from the following list of applicants: Jimmy Lewis; and/or 2) Direct staff to re-advertise for the appointment.

SITTING AS THE GOVERNING BODY OF UNINCORPORATED TOWNS OF BEATTY, GABBS, MANHATTAN, AND RAILROAD VALLEY

BEATTY

- 16. [For Possible Action](#) – Discussion and deliberation to approve the purchase and installation of three fire hydrants in the amount of \$20,906.00 with a 15% contingency to be funded from Beatty Special Capital Fund 24402.

MANHATTAN

- 17. [For Possible Action](#) – Discussion and deliberation to adopt, amend and adopt, or reject budget transfer of appropriations between functions within the Town of Manhattan General Fund 27101.

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SITTING AS THE BOARD OF COUNTY COMMISSIONERS

CONSENT AGENDA ITEMS – These are items that Staff recommends for approval. The Board reserves the right to move any consent agenda item to the regular segment of the agenda should issues arise that need to be addressed. Discussion of any item from the Consent Agenda Items that needs review before a decision is made.

18. [For Possible Action](#) – Approval of the Elected Official Collection Report regarding fees collected from elected county departments for services rendered by or provided to county citizens.
19. [For Possible Action](#) – Approval of meeting minutes from the joint meeting on April 18 and May 2, 2023.
20. [For Possible Action](#) – Approval of an offer of dedication for road right-of-way being the entire northeast 60.00 feet of Frontage Road fronting the property located at 540 S. Hwy 160, Pahrump, NV, Assessor's Parcel Number 038-261-32 from S&L Investments, LLC. and designate Frontage Road as a General County Road accepting maintenance for the purpose of future road improvements.
21. [For Possible Action](#) – Approval to accept a Restrictive Covenant Running with the Land agreement between Nye County and Chrismor Investments, LLC. for the property located at 5830 E. Gamebird Road, Pahrump, NV, Assessor's Parcel Number 041-292-38 for the purpose of future road improvements to be paid for by the property owner.
22. [For Possible Action](#) – Approval of Return of Sale; Affidavits of Publications pursuant to NRS 361.595 for the Nye County Trust Property Online Auctions results held in April and May 2023.
23. [For Possible Action](#) – Approval to: 1) Accept the no-cost Grant Amendment No. 1 for grant award 21/PF/06 through the State of Nevada, Community Development Block Grant (CDBG) program to provide 6 months additional time for the construction and completion of the Pahrump Fairgrounds Sewer and Wastewater System Project by December 31, 2023; and 2) Execute Grant Amendment No. 1.

ASSESSOR

24. [Presentation](#) of projected expenditures of money in the Assessor's Technology Fund to be used in the 2023-2024 fiscal year. (10-minute time limit)

CLERK

25. [For Possible Action](#) – Discussion and deliberation to: 1) Appoint at least one but no more than three members to the Nye County Ballot Question Committee: \$0.05 Diesel Tax, who favor approval from the following list of applicants: Thomas Bolling; 2) Appoint at least one but no more than three members to the Nye County Ballot Question Committee: \$0.05 Diesel Tax who oppose approval, from the following list of applicants: Lydia Parrish, Victoria Poulsen, and Karen Sansone-Waldman; and/or 3) Readvertise for the appointments.

SHERIFF

26. [For Possible Action](#) – Discussion and deliberation to issue a Display Fireworks Event Permit to the Amargosa Valley Improvement Association for an aerial display at their annual 4th of July Event on Saturday, July 1, 2023. This event is being held at Amargosa Park, 1639 E. Amargosa Farm Rd., Amargosa Valley, NV. Scott Harris - Applicant.

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27. [For Possible Action](#) – Discussion and deliberation to issue a Display Fireworks Event Permit to the Town of Beatty for an aerial display at their annual 4th of July Event on Tuesday, July 4, 2023. This event is being held at Cottonwood Park in Beatty, NV. Mike Harmon - Applicant.
28. [For Possible Action](#) – Discussion and deliberation to issue a Display Fireworks Event Permit to the Town of Beatty for an aerial display at the Stagecoach 40th Anniversary Event on Saturday, July 22, 2023. This event is being held at 801 E US Highway 95 in Beatty, NV. Mike Harmon - Applicant.
29. [For Possible Action](#) – Discussion and deliberation to issue a Display Fireworks Event Permit to Prairie Fire for an aerial display at their annual 4th of July Event on Tuesday, July 4, 2023. This private on-site event is being held at 1 Frontsight Rd., Pahrump, NV. Savannah Rucker-Ames - Applicant.
30. [For Possible Action](#) – Discussion and deliberation to issue a Display Fireworks Event Permit to Zambelli Fireworks for an aerial display for the Town of Pahrump. The event will be held on Tuesday, July 4, 2023, at Petrack Park in Pahrump, NV. John O'Brien - Applicant.
31. [For Possible Action](#) – Discussion and deliberation regarding the renewal of a Wholesale/Retail Fireworks Permit for Phantom Fireworks Showrooms dba Phantom Fireworks located at 921 South Highway 160, Suite 501, Pahrump, NV. William Weimer - Applicant.

COUNTY MANAGER

32. [For Possible Action](#) – Discussion and deliberation to reschedule the date for the first Board of Commissioners meeting in October for Tuesday, October 10, 2023, in Tonopah, NV.
33. [For Possible Action](#) – Discussion and deliberation regarding approval to provide Program Funding to Pahrump Valley Public Transportation, VETrans program in the amount of \$20,000.00 to provide transportation services specifically for Veterans to be funded by 10210 Veterans Services fund.
34. [For Possible Action](#) – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2023-18: A Resolution Establishing a Nye County Safety Program Policy.

FINANCE

35. [For Possible Action](#) – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2023-19: A Resolution to Augment and Amend the 2022-2023 Budget of Nye County, State of Nevada.
Fund 10209 Airport Fund in the amount of \$345,904.00
Fund 10214 Pahrump Museum Fund in the amount of \$26,000.00
Fund 10215 Tonopah Museum Fund in the amount of \$9,500.00
Fund 10220 Room Tax Fund in the amount of \$38,000.00
36. [For Possible Action](#) – Discussion and deliberation to adopt, amend and adopt, or reject budget transfer of appropriations between functions within Nye County General Fund 10101, and Nye County Ambulance Fund 10282.

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NATURAL RESOURCES

37. [For Possible Action](#) – Discussion and deliberation to approve entering into a Memorandum of Understanding (MOU) with the Bureau of Land Management (BLM) to participate as a Cooperating Agency in the National Environmental Policy Act (NEPA) for the Western Solar Programmatic Environmental Impact Statement update.
38. [For Possible Action](#) – Discussion and deliberation to: 1) Approve, amend and approve, or reject a request from The National Association of Counties (NACo) and Nevada Association of Counties (NACO) to contribute \$120,000.00 toward the National Center for Public Lands; and 2) Authorize the Comptroller to determine a funding source.

PLANNING/BUILDING/CODE COMPLIANCE

39. [For Possible Action](#) – Discussion and deliberation regarding a request to: Set a date, time, and location for a Public Hearing on Nye County Resolution No. 2023-17: A Resolution proposing to adopt the 2023 Pahrump Regional Planning District Master Plan Update.
40. [For Possible Action](#) – Discussion and deliberation on ETSU-23-9: An application to extend the time of an approved Tentative Residential Subdivision map, TM-2019-000017, on approximately 13.93 gross acres zoned Specific Plan (SP) and located within Mountain Falls Master Planned Community, aka: Planning Area 3-3B, Assessor's Parcel Numbers: 046-161-28 and 046-161-32, Pahrump, NV. Paradiso Partners 88, LLC – Owners. Taney Engineering, Agent/Applicant.

PUBLIC WORKS

41. [For Possible Action](#) – Discussion and deliberation to: 1) Approve the purchase of a property needed for expansion of the road department yard, consisting of 0.161 acres located at 720 East Ziba Lane, Pahrump, NV, Assessor's Parcel Number 038-202-28; 2) Propose compensation for the property to the property owner based on the appraisal; 3) Fund from 10205 Roads; and 4) Direct staff to prepare and record the documentation necessary to transfer the property.
42. [For Possible Action](#) – Discussion and deliberation to: 1) Accept the Community Development Block Grant (CDBG) Award #23/PF/06 from the State of Nevada Governor's Office of Economic Development (GOED) in the amount of \$500,000.00 for the purpose of installing two new fuel systems at the Tonopah Airport. In-Kind County match of \$10,000.00 and an additional \$150,000.00 in cash match is required; 2) Execute the grant agreement; and 3) Fund \$500,000.00 to 10340 Grants and fund \$150,000.00 to 10209 Airport.
43. [For Possible Action](#) – Discussion and deliberation to: 1) Transfer the unused Gabbs Airport entitlement funds received from the Department of Transportation, Federal Aviation Administration (FAA) in the amount of \$56,200.00 to the Silver Springs Airport in Lyon County as the funds remained unused for Gabbs Airport projects; and 2) Execute the agreement to transfer funds.

PUBLIC PETITIONER

44. [For Possible Action](#) – Discussion and deliberation to consider a request to approve an amendment to Nye County Resolution No. 2023-15, to allow the Amargosa Valley Solar Energy Zone to be excluded from the renewable energy moratorium.

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45. **GENERAL PUBLIC COMMENT (up to three-minute time limit per person.) Action will not be taken on the matters considered during this period until specifically included on an agenda as an action item (SECOND).**

46. **Commissioners'/Manager's Comments (This item limited to announcements or topic/issues proposed for future workshops/agendas)**

47. **ADJOURN**

Nye County Board of County Commissioners Meeting Participation Information:

- Call **1-888-585-9008** and enter conference room code **255-432-824**.
- Public comment periods will be opened by announcement.
- Commenters must press *9 if they wish to speak. You will hear “the organizer sees your raised hand” when the control has been properly engaged.
- When it is your turn to give comment, you will hear “you may now speak” and must identify yourself by saying and spelling your first and last name.

Notes:

- The meeting is viewable at http://nyecounty.granicus.com/ViewPublisher.php?view_id=4 there will be a 40 second delay from the video to the call.
- Report issues to Nye County Admin at nyeadmin@co.nye.nv.us or by calling 775-482-8192